

COMMISSIONERS

Eric J. Schneidewind
Edwyna G. Anderson
Matthew E. McLogan

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

~~PAUL J. ROSS~~, Director
Doug Ross

PUBLIC SERVICE COMMISSION

6545 Mercantile Way
P.O. Box 30221
Lansing, Michigan 48909

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APR 26 2010

Federal Communications Commission
Office of the Secretary

May 24, 1985

RECEIVED

MAY 29 1985

DOCKET FILE COPY ORIGINAL
ENFORCEMENT DIVISION

Ms. Margaret Wood
Federal Communications Commission
Room 6206
1919 M Street, NW
Washington, DC 20554

Dear Ms. Wood:

The Michigan Public Service Commission (MPSC) has received and reviewed the Federal Communications Commission's (FCC) May 3, 1985 letter concerning regulation of the rates, terms and conditions of pole attachments within Michigan. The letter states that Michigan's present FCC certification includes all required information except for a statement regarding the existence of a Michigan methodology for regulation of pole attachments and that such has been made publicly available.

In the MPSC's prior certifications, it was noted that the Michigan Pole Attachment Act, 1980 PA 470, MCLA 460.6(g), provides that procedures for pole attachment regulation shall be those applicable to any utility whose rates charged its customers are regulated by the MPSC and that rules governing utility complaints, as well as rate-setting procedures, have existed since at least 1968. Thus, the rate-setting methodology used for pole attachments is the same as that used for other utility matters and is covered by existing rules. Such procedures and rules are required to be and have been made public.

Accordingly, the MPSC certifies that a specific methodology exists in Michigan for the establishment of rates, terms and conditions of pole attachment and that such is publicly available.

Should you need additional information, the MPSC will provide it.

Sincerely,

Eric J. Schneidewind
Eric J. Schneidewind

mkd

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

May 3, 1985

IN REPLY REFER TO:

Eric J. Schneidewind, Commissioner
Michigan Public Service Commission
Mercantile Building
6545 Mercantile Way
P.O. Box 30221
Lansing, Michigan 48909

Gentlemen:

The Commission is again updating its list of states which have certified that they regulate pole attachment rates, terms, and conditions to insure that all certifications comply with amended Section 1.1414 of the Commission's Rules, 47 C.F.R. §1.1414. That Section was recently amended to implement certain provisions of the Cable Communications Policy Act of 1984. Report and Order in MM Docket No. 84-1296, FCC 85-179 (released April 19, 1985). Among the amendments is new Section 1.1414(a)(3), 47 C.F.R. §1.1414(a)(3), which provides that a state regulating pole attachments must certify to this Commission that

It has issued and made effective rules and regulations implementing the state's regulatory authority over pole attachments (including a specific methodology for such regulation which has been made publicly available in the state)

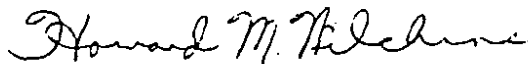
With the exception of a statement about methodology, your certification already includes all of the required information. Accordingly, if your state's rules and regulations include a specific methodology which has been made publicly available in the state, please so certify to the Commission by May 30, 1985.

Receipt of such information by May 30, 1985, will permit the Commission to retain your state on our certification list. Therefore, your prompt attention and cooperation are appreciated.

Please address your certification and any inquiries to:

Federal Communications Commission
Attention: Margaret Wood, Esq.
Room 6206
1919 M Street, N.W.
Washington, D.C. 20554
Telephone (202) 632-4890

Sincerely,



Howard M. Wilchins
Deputy Chief, Enforcement Division

Enclosure

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations was amended to read as follows:

A. Part 1 - Practice and Procedure.

1. Section 1.1414 is amended by revising paragraphs (a)(1) and (a)(2) and adding new paragraphs (a)(3) and (e) to read as follows:

§1.1414 State certification.

- (a) If the Commission does not receive certification from a state that:
- (1) It regulates rates, terms and conditions for pole attachments;
 - (2) In so regulating such rates, terms and conditions, the state has the authority to consider and does consider the interests of the subscribers of cable television services as well as the interests of the consumers of the utility services; and,
 - (3) It has issued and made effective rules and regulations implementing the state's regulatory authority over pole attachments (including a specific methodology for such regulation which has been made publicly available in the state), it will be rebuttably presumed that the state is not regulating pole attachments.

* * * * *

- (e) Notwithstanding any such certification, jurisdiction will revert to this Commission with respect to any individual matter, unless the state takes final action on a complaint regarding such matter:
- (1) within 180 days after the complaint is filed with the state, or
 - (2) within the applicable periods prescribed for such final action in such rules and regulations of the state, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

STATE OF MICHIGAN

COMMISSIONERS

Eric J. Schneidewind
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JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

Douglas Ross, Director
~~XXXXXXXXXXXX~~

PUBLIC SERVICE COMMISSION

6545 Mercantile Way
P.O. Box 30221
Lansing, Michigan 48909

January 17, 1985

RECEIVED

JAN 22 1985

ENFORCEMENT DIVISION

Ms. Margaret Wood
Federal Communications Commission
Room 6206
1919 M Street, NW
Washington, DC 20554

RE: Federal Pole Attachment
Amendments

Dear Ms. Wood:

The Michigan Public Service Commission (MPSC) has received and reviewed the Federal Communications Commission's (FCC) January 2, 1985 letter requesting information regarding regulation of the rates, terms and conditions of pole attachments within Michigan.

The Michigan Pole Attachment Act, 1980 PA 470, MCLA 460.6(g) (the Michigan Act), which became effective on March 31, 1981, establishes the MPSC's jurisdiction over pole attachments.

In early 1981, the MPSC certified to the FCC that it regulated the rates, terms and conditions of pole attachments in Michigan, and in so regulating considered the interests of cable television subscribers and utility customers. The recent amendments to the Communications Act of 1934 require that rules exist for the implementation of the MPSC's authority and that individual complaints be processed within 180 days of filing.

The Michigan Act provides that procedures under that act will be those applicable to any utility whose rates charged its customers are regulated by the MPSC. Rules governing utility complaints, as well as rate case matters, have existed since at least 1968. These rules, by virtue of the Michigan Act, are applicable to proceedings regarding utility pole attachments. A copy of the Michigan Act and the 1968 rules are enclosed for your convenience.

While the 1968 rules do not contain reference to the 180-day time limit for processing utility pole attachment complaints, the MPSC will monitor its docket and, within 180 days, process any utility pole attachment complaint properly filed pursuant to the 1968 rules.

Ms. Margaret Wood
Page 2
January 17, 1985

Accordingly, the MPSC certifies that it has in place rules implementing its authority to regulate the rates, terms and conditions of utility pole attachments.

Should you need additional information, the MPSC will provide it.

Sincerely,


Eric J. Schneidewind

mkd
Enclosures

The Michigan Act, MCLA 460.6(g)

460.6g. Attachments; rates and conditions; appeals

Sec. 6g. (1) As used in this section:

(a) "Attaching party" means any person, firm, corporation, partnership, or cooperatively organized association, other than a utility or a municipality, which seeks to construct attachments upon, along, under, or across public ways or private rights of way.

(b) "Attachment" means any wire, cable, facility, or apparatus for the transmission of writing, signs, signals, pictures, sounds, or other forms of intelligence or for the transmission of electricity for light, heat, or power, installed by an attaching party upon any pole or in any duct or conduit owned or controlled, in whole or in part, by 1 or more utilities.

(c) "Commission" means the Michigan public service commission created in section 1¹

(d) "Utility" means any public utility subject to the regulation and control of the commission that owns or controls, or shares ownership or control of poles, ducts, or conduits used or useful, in whole or in part, for supporting or enclosing wires, cables, or other facilities or apparatus for the transmission of writing, signs, signals, pictures, sounds, or other forms of intelligence, or for the transmission of electricity for light, heat, or power.

(2) The commission shall regulate the rates, terms, and conditions of attachments by attaching parties. The commission, in regulating the rates, terms, and conditions of attachments by attaching parties, shall not require a hearing when approving the rates, terms, and conditions unless the attaching party or utility petitions the commission for a hearing. The commission shall ensure that the rates, terms, and conditions are just and reasonable and shall consider the interests of the attaching parties' customers as well as the utility and its customers.

(3) An attaching party shall obtain any necessary authorization before occupying public ways or private rights of way with its attachment.

(4) Procedures under this section shall be those applicable to any utility whose rates charged its customers are regulated by the commission, including the right to appeal a final decision of the commission to the courts.

P.A.1939, No. 3, § 6g, added by P.A.1980, No. 470, § 1, Eff. March 31, 1981.

¹ Section 460.1.

STATE OF MICHIGAN

PUBLIC SERVICE COMMISSION

RULES OF PRACTICE BEFORE THE COMMISSION



1968

Prepared by the

LEGISLATIVE SERVICE BUREAU

for the

DEPARTMENT OF COMMERCE

The administrative rules in this publication were prepared from the text of the 1954 Administrative Code supplemented through March 31, 1968, as maintained by the Legislative Service Bureau. This material was made available to the Department of Commerce—Public Service Commission—pursuant to the provisions of Act No. 88 of the Public Acts of 1943, as amended.

LBS P. 68-7-68

DEPARTMENT OF COMMERCE

PUBLIC SERVICE COMMISSION

PRACTICE AND PROCEDURE BEFORE THE COMMISSION

(By authority conferred on the public service commission by Act No. 3 of the Public Acts of 1939, as amended, and Act No. 254 of the Public Acts of 1933, as amended, being sections 460.1 to 460.6 and 475.1 to 479.20 of the Compiled Laws of 1948.)

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PART 1. DEFINITIONS AND GENERAL PROVISIONS

R 460.11. Definitions.

Rule 1. As used in these rules:

(a) "Applicant" or "petitioner" means a party seeking approval, authority, a certificate of authority or of public convenience and necessity or other certificate, license, permit or exemption or other relief.

(b) "Complainant" means a party who files a complaint.

(c) "Party" to a proceeding before the commission means a person by or against whom a proceeding is commenced, or a person admitted by the commission to intervene in a proceeding pursuant to these rules.

(d) "Person" means an individual, partnership, corporation, association, body politic, or state agency.

(e) "Protestant" means a motor carrier rendering service or applying for authority to render service, likely to compete with the proposed motor carrier service of a motor carrier applicant, if the former carrier opposes the application of the latter carrier.

(f) "Respondent" means a party who is complained against, a party investigated or ordered to show cause, or a utility rendering service of the same sort within a municipality proposed to be served by any other utility.

HISTORY: 1954 ACS 54, p. 57.

R 460.13. Applicability and construction of rules.

Rule 3. (1) These rules govern practice and procedure in all matters before the public service commission.

(2) These rules shall be liberally construed to secure just, economical and expeditious determination of the issues presented.

HISTORY: 1954 ACS 54, p. 57.

R 460.14. Information, documents and communications.

Rule 4. (1) Information as to established practice or procedure under these rules will be furnished to any person upon application to the secretary of the commission.

(2) Applications and other documents shall be in writing and shall conform to all requirements of these rules. The secretary of the commission, upon reasonable request, will advise as to the form of petition, answer or other papers necessary to be filed in any case and furnish such information from the files of the commission as will aid in a full presentation of material facts.

PART 2. INTERVENTION

R 460.21. Petitions.

Rule 11. (1) A person not defined herein as a complainant, respondent, protestant, applicant or petitioner, and who claims an interest in a pending proceeding, may petition in the proceeding for leave to intervene. An original and 6 copies of a petition to intervene shall be filed with the commission at least 5 days prior to the date set for hearing, and the petition when filed shall show service of copies thereof upon all parties to the proceeding. A petition to intervene which is not timely filed with the commission shall not be granted by the commission unless the denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice, and unless all parties, excluding intervenors, have an adequate opportunity to file answers as hereinafter set forth and to be heard with respect thereto. A motor carrier shall comply with the provisions of this rule except as provided in rule 32.

(2) A petition to intervene shall set out clearly and concisely the facts supporting the petitioner's alleged right or interest, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the commission of the specific issues of fact or law to be raised or controverted.

HISTORY: 1954 ACS 51, p. 58

R 460.22. Answers.

Rule 12. A party, except an intervenor, to a proceeding and the commission staff may file an answer to a timely petition to intervene on or before the date, if any, set for hearing upon the petition or on and before the date set for hearing upon the merits, whichever is earlier. An adequate opportunity to file an answer to a petition to intervene, which is not timely filed, shall be afforded to any such party and the commission staff.

HISTORY: 1954 ACS 51, p. 59

R 460.23. Action by commission.

Rule 13. As soon as practicable after expiration of the time for filing an answer to a petition for intervention, the commission will grant or deny the petition in whole or in part, or if found to be appropriate may authorize limited participation. A person granted leave to intervene in whole or in part is an intervenor and shall be a party to the proceeding. The granting of a petition to intervene in whole or in part is not recognition by the commission that the intervenor may have rights to appeal from any order of the commission entered in that proceeding, except as otherwise provided by law.

HISTORY: 1954 ACS 51, p. 59

R 460.26. Participation without petitions for intervention.

Rule 16. (1) A person may appear in a proceeding before the commission in lieu of a formal petition to intervene, if there is full disclosure of the identity of the person whose appearance is to be entered; the interest of such person in the proceeding and the position intended to be taken are fully and fairly stated; and the contentions of such person will be reasonably pertinent to the issues already presented and any right to broaden the issues unduly is disclaimed, as follows:

(a) In a proceeding to fix rates or investigate conditions of service of a carrier or utility subject to the jurisdiction of the commission, appearances by individual customers or ratepayers of such carrier or utility or by the duly authorized governmental representatives thereof.

(b) In a proceeding by a railroad company for authority for abandonment of a station or discontinuance or diminution of quantity or quality of service, appearances by other persons in interest.

(2) An appearance under this rule entitles the person to testify or make a statement of his position but he is not regarded as a party to the proceeding.

HISTORY: 1954 ACS 51, p. 59

motion to dismiss a complaint is served as hereinafter permitted, no answer need be made unless the commission denies the motion or postpones its disposition until a hearing on the merits, and in either event the answer shall be made within 20 days after notice to the respondent of the commission's action.

HISTORY: 1954 ACS 54, p. 60.

R 460.35. Same; respondent's offers of relief.

Rule 25. If a respondent desires to satisfy the complaint, he may submit to the commission within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to offer. On the acceptance of this offer by the complainant and approval of the commission, no further proceeding need be taken. If the offer of satisfaction is refused by the complainant, an answer shall be filed by the respondent within 20 days from the receipt by respondent from the commission of notice of the refusal.

HISTORY: 1954 ACS 54, p. 60.

R 460.36. Same; motions to dismiss and answers.

Rule 26. The defense that the complainant does not have a good or sufficient reason for making a formal complaint, that the complainant is without standing to make the complaint, or that a formal complaint fails to state a prima facie case or otherwise fails to conform to these rules, may be raised by motion to dismiss or answer at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and 6 copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall contain a specific denial of the material allegations of the complaint controverted by respondent and also a statement of new matters constituting an affirmative defense. If the answering party has no information or belief on the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

HISTORY: 1954 ACS 54, p. 60.

R 460.37. Burden of evidence and proofs.

Rule 27. In a complaint proceeding, the complainant has the burden of going forward with presentation of evidence unless otherwise ordered by the commission. The complainant has the burden of proof as to factual allegations relied upon as constituting the basis for the complaint and the respondent has the burden of proof with respect to affirmative defenses.

HISTORY: 1954 ACS 54, p. 60.

PART 4. HEARINGS

R 460.41. General provisions.

Rule 31. (1) A public hearing will be granted when required by statute, or when the commission may determine in a specific case.

(2) Except as otherwise provided by statute, written notice of a hearing, at least 10 days before the date set therefor, shall be served upon all parties and such other persons as the commission directs, unless the commission determines a shorter or longer period of notice for good cause. The notice shall state the time, place and nature of the hearing and a short and simple statement of the matters to be considered.

(3) The Michigan Public Service Commission Information Bulletin shall be issued biweekly and shall be mailed to all intrastate motor carriers and all other persons who subscribe therefor and shall be official notice of motor carrier hearings, orders and other action pertaining to motor carriers.

(4) The commission may appoint, as may be deemed necessary, and except as may be prohibited by law, any member of its staff or a duly authorized examiner to conduct hearings.

(5) A hearing before the commission shall be made a matter of record. It is not necessary that the record be transcribed in a proceeding unless a request for a transcript be made by a party or by the commission. A transcript shall be indexed to show the location of the testimony of each witness and the introduction of all exhibits.

HISTORY: 1951 ACS 51, p. 61.

R 460.46. Initial procedures.

Rule 36. (1) A hearing will be opened with a concise statement of its nature and purpose. Appearances then will be entered on the record. Parties and the commission staff may make opening statements or appropriate motions.

(2) Changes in the time and place of the first session of the hearing in any proceeding will be granted only for good cause shown. Notices of changes in time and place, if granted, will be made only to parties to the proceeding and to persons who have appeared or who have petitions to intervene pending before the commission in accordance with these rules. After a hearing has been convened, an adjournment shall be in the discretion of the commission. The commission upon its own motion may change the time and place of any session.

HISTORY: 1964 ACS 54, p. 62.

R 460.47. Evidence; general provisions.

Rule 37. (1) The commission shall so far as practicable follow the rules of evidence applicable to proceedings in circuit courts, but may admit and give probative effect to any evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. Rules of privilege recognized by law shall be given effect. Incompetent, immaterial and unduly repetitious evidence may be excluded.

(2) Evidence, including records and documents in the possession of the commission of which it desires to avail itself, shall be offered and made a part of the record in the proceeding and no other factual information or evidence shall be considered in the determination of the case, except as otherwise provided by law. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(3) A party shall have the right of cross-examination and shall have the right to submit rebuttal evidence.

HISTORY: 1964 ACS 54, p. 62.

R 460.48. Same; judicial notice.

Rule 38. The commission may take notice of judicially cognizable facts and also of general, technical or scientific facts within its specialized knowledge. Parties shall be notified, either before or during the hearing or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it. This shall not be construed as permitting the commission to take notice of any evidence contrary to the provisions of any statute or other law.

HISTORY: 1964 ACS 54, p. 62.

R 460.49. Same; documents and exhibits.

Rule 39. (1) When evidence to be presented consists of technical matter or figures so numerous as to make oral presentation difficult to follow, it shall be presented in exhibit form, supplemented and explained, but not duplicated by oral testimony.

(2) Exhibits of documentary character shall be typed on 1 side only on sheets not exceeding 8½ inches by 11 inches or multiples thereof with a sufficient margin for binding, preferably 1½ inches to be left blank on the left side of each sheet. If an exhibit is in excess of 8½ inches wide, it shall be folded to be not more than 8½ inches by 11 inches if practicable. It is desirable that an exhibit of 2 or more sheets be stapled together and notation made at the top of the first sheet as to the number of sheets contained in the exhibit. An exhibit shall show at the top the docket number and provide space for the name of the witness and the number and date of the exhibit. All exhibits offered at a hearing shall be numbered in numerical sequence regardless of the identity of the party offering the same. The number of the exhibit shall be prefixed with a letter indicating the identity of the party offering the same. For example, the first exhibit, if submitted by a petitioner or an applicant, shall be marked "A-1"; and the second exhibit, if offered by a protestant, shall be marked "P-2."

(3) A party introducing documentary exhibits shall be prepared to furnish copies to all parties and may be required by the commission to furnish such copies.

PART 5. REOPENINGS AND REHEARINGS**R 460.61. Reopening of hearings.**

Rule 51. An application for reopening a hearing after final submission and prior to decision or order made by the commission shall be by verified petition only; and an original and 6 copies shall be filed with the commission. If the application for reopening is for the purpose of presenting further evidence, the nature and purpose of such evidence shall be briefly stated, the same shall not be merely cumulative, and good cause shall be shown for failure to produce such evidence at the original hearing. The application shall show service thereof on all other parties to the proceeding.

HISTORY: 1954 ACS 54, p. 64.

R 460.62. Rehearings.

Rule 52. An application for rehearing after a decision or order of the commission shall be by verified petition only. An original and 6 copies of the application shall be filed with the commission within 30 days from the issuance of the commission decision or order and notice thereof. An application for rehearing based upon claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous with a brief statement of the ground of error. An application for rehearing based upon newly discovered evidence, upon facts and circumstances arising subsequent to the hearing, or upon consequences resulting from compliance with the decision or order, shall set forth fully the matters relied upon. The application shall show service thereof on all other parties to the proceeding.

HISTORY: 1954 ACS 54, p. 64.

R 460.63. Answers to reopening and rehearing applications.

Rule 53. Within 20 days following service of an application for rehearing or for reopening a hearing, any party may file with the commission his answer thereto, and in default thereof is deemed to have waived his objection to the granting of such application.

HISTORY: 1954 ACS 54, p. 64.

R 460.64. Proceedings within 90 days of dismissals.

Rule 54. When an application, petition or complaint has been noticed for hearing by the commission and has been dismissed by the commission on the ground that the party instituting the proceedings failed to appear or proceed, the commission within 90 days from the date of dismissal, shall refuse to accept for filing an application, petition or complaint relating to the same or substantially the same subject matter by the same party as contained in the proceedings which were dismissed.

HISTORY: 1954 ACS 54, p. 64.

PART 6. SPECIFIC UTILITY PROCEEDINGS**R 460.71. Railroad proceedings; highway crossings.**

Rule 61. Any person, firm, corporation, body politic or highway authority may file an application with the commission requesting an investigation and hearing for crossing protection in accordance with Act No. 270 of the Public Acts of 1921, as amended, being sections 469.1 to 469.13 of the Compiled Laws of 1948. Any person may file an informal or formal complaint as provided in these rules. In any such case whether the matter is instituted by complaint, application or petition, the commission shall cause an investigation to be made of any crossing of any railroad with any highway, at which investigation interested parties may be represented. Notice of the proposed recommendations of the commission staff shall be forwarded to all parties. If no protest or request for hearing is filed within a period of time to be specified in such notice, the staff shall submit its recommendation to the commission. The commission shall then issue its order in the matter, either adopting or rejecting the staff recommendation in whole or in part as it sees fit. A protest or request for hearing shall specify with particularity the law and facts relied upon. A protest containing general allegations may be rejected.

HISTORY: 1954 ACS 54, p. 64.

(e) If the proceeds are to be used for the acquisition of property, a detailed description of the property, from whom it is to be acquired, and the terms of the contract for such acquisition, if any. Names of owners of property to be acquired for right-of-way need not be set forth, but a general description of the proposed route shall be given.

(f) If the proceeds are to be used for the construction, completion, extension or improvement of public utility facilities, a concise description of the existing facilities and a complete statement as to the facilities proposed to be constructed.

(g) If the proceeds are to be used for the improvement or maintenance of service, a concise description of the existing service and the improvements or betterments proposed to be made.

(h) If the proceeds are to be used for the refunding of obligations, a description of the obligations sought to be refunded; the amount of the same, with their date of issue, date of maturity and all other material facts concerning them.

(i) The financial condition of the applicant at a date within a reasonable time prior to the date of the application shall be shown with particularity. The balance sheet as of a date, which shall not be more than 120 days prior to the date of application, and a statement of income and surplus for the 12 months period ending the same date, shall be annexed to the petition as a schedule.

HISTORY: 1954 ACS 54, p. 65

R 460.76. Same, additional items for petitions.

Rule 66. The petition shall also contain or include as exhibits the following:

(a) If the application is for the issuance of bonds under the security of an existing mortgage, a brief statement of the amount of bonds, if any, already issued upon such security.

(b) If the application is for the issuance of stock, a statement whether any franchise is capitalized either directly or indirectly.

(c) If proposed contracts, agreements, indentures or other written arrangements have been prepared in connection with the proposed issue and sale of stocks, bonds or other types of securities within the meaning of Act No. 144 of the Public Acts of 1909, copies of these documents shall be submitted with the application.

(d) If no contract, agreement or arrangement has been made for the sale or disposition of the stock, bonds, notes or other evidence of indebtedness proposed to be issued, there shall be annexed to the application, an affidavit of a competent person showing the amount which can probably be realized from the sale or disposition of the securities and the reasons for the opinion of the person making the affidavit.

(e) A clear statement of the intent of the applicant in good faith to use the proceeds for the purpose set forth in the application and a declaration that such funds are reasonably required for such lawful purposes.

HISTORY: 1954 ACS 54, p. 66

R 460.78. Motor carrier proceedings; applications and petitions.

Rule 68. An application for a certificate or permit and any other petition concerning motor carrier matters shall be made upon forms provided by the commission. A petition for which no particular form has been provided, shall in general follow the requirements of these rules and the motor carrier rules, being R 460.101 to R 460.146 of the Michigan Administrative Code, as amended.

HISTORY: 1954 ACS 54, p. 66

R 460.79. Same; issuance of securities.

Rule 69. A common carrier seeking authority to issue securities or evidence of indebtedness under Act No. 144 of the Public Acts of 1909 shall:

(a) Execute and file 2 copies of form 73.

(b) File 1 exact copy of the proposed articles.

(c) File 2 copies of an application drawn in a form of applicant's choosing and completely and exactly setting forth the facts in the case. The application shall specify all the things that the applicant would present orally before the commission if a hearing were held, and shall be certified to by someone connected with the applicant having complete knowledge of the facts.